



CITY OF MORGAN HILL

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

CITY COUNCIL AGENDA

REGULAR MEETING

WEDNESDAY, AUGUST 5, 1998

Morgan Hill Civic Center	Mayor	Dennis Kennedy
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Council Chambers 17555 Peak Avenue Morgan Hill, California 95037	Mayor Pro Tempore Council Member Council Member Council Member	Cynthia J. Cook Hedy L. Chang J. Robert Foster Bev E. Freeman
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7:00 P.M.

CALL TO ORDER

(Mayor Kennedy)

ROLL CALL ATTENDANCE

(City Clerk Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(City Clerk Torrez)

SILENT INVOCATION

PUBLIC SERVICE ANNOUNCEMENT

Eric Hilding

PLEDGE OF ALLEGIANCE

PRESENTATIONS

Carl Guardino

*Silicon Valley Manufacturing Group
regarding Housing Initiatives*

CITY COUNCIL REPORT

Mayor Kennedy

CITY MANAGER'S REPORT

CLOSED SESSION ANNOUNCEMENTS/CITY ATTORNEY'S REPORT

PUBLIC COMMENTS

Mayor Kennedy

The Morgan Hill City Council welcomes comments from all individuals on any agenda item being considered by the City Council. Please complete a Speaker Card and present it to the City Clerk. This will assist the Council Members in hearing your comments at the appropriate time. In the interest of brevity and timeliness and to ensure the participation of all those desiring an opportunity to speak, comments presented to the City Council are limited to Three Minutes. We appreciate your cooperation.

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS EVENINGS AGENDA.

CONSENT CALENDAR: The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

1. **RESOLUTION REQUESTING THE GOVERNOR AND THE LEGISLATURE TO PROHIBIT THE USE OF METHYL TERTIARY-BUTYL ETHER OR OTHER ETHER OXYGENATES IN MOTOR FUEL**
Recommended Action: Adopt resolution
2. **ADJUSTMENT TO PROGRAM FEE FOR WEED ABATEMENT**
Recommended Action: Approve Amendment to Agreement between the County of Santa Clara and the City for the abatement of weeds
3. **AMENDED APPROVAL OF IMPROVEMENT AGREEMENT WITH A GIFTED EDUCATION, INC. - MONTEREY STREET & JOHN WILSON WAY (APN 779-04-008)**
Recommended Action: Approve Improvement Agreement and authorize the City Manager to sign the agreement on behalf of the City with HFT Resources, LLC, at Monterey Street & John Wilson Way (APN 779-04-008)
4. **FINAL MAP ACCEPTANCE FOR KENDAL HILL (TRACT 9050)**
Recommended Action: Approve the final map and improvement plans; authorize the City Manager to sign the Subdivision Improvement Agreement on behalf of the City; and authorize the recordation of the map and the Subdivision Improvement Agreement following recordation of the Development Improvement Agreement
5. **APPROVAL OF IMPROVEMENT AGREEMENT WITH MORGAN HILL DEVELOPMENT PARTNERS, L.P.- BUTTERFIELD BOULEVARD**
Recommended Action: Approve the attached Improvement Agreement and authorize the City Manager to sign the agreement on behalf of the City with Morgan Hill Development Partners, L.P., Butterfield Boulevard
6. **AWARD OF CONTRACT FOR DRILLING OF DIANA WELL III**
Recommended Action: Award contract to Nor-Cal Pump & Well Service for the drilling of Diana Well III in the amount of \$89,672
7. **AWARD CONTRACT FOR CONSTRUCTION OF SEWER LIFT STATION “D” REPAIR PROJECT**
Recommended Action: Award contract to F&M Engineering Contractors, Inc. for the construction of Sewer Lift Station “D” Repair Project in the amount of \$93,120
8. **AWARD OF CONTRACT FOR THE CONSTRUCTION OF EASY STREET DRAINAGE IMPROVEMENT PROJECT**
Recommended Action: Appropriate \$80,000 from Storm Drain Fee Fund 303 unappropriated balance for this project (#414097); award contract to Trincherro Construction, Inc. for the construction of Easy Street Drainage Improvement Project in the amount of \$165,930
9. **RESOLUTION OF INTENT TO JOIN MULTI-JURISDICTIONAL STUDY EFFORT REGARDING FLOODING ALONG THE PAJARO RIVER**

Recommended Action: **Consider** adoption of attached resolution

10. **SUBDIVISION APPLICATION SD 09-08: E. DUNNE-DICONZA**

Recommended Action: **Take No Action** thereby concurring with the Planning Commission's decision regarding approval of the subdivision map

11. **FINANCE DEPARTMENT REORGANIZATION - MANAGEMENT**

Recommended Action: **Approve** reorganization of management positions in the Finance Department; **adopt** resolution amending the Management, Professional and Confidential Employees Resolution #5178, which adds the positions of Assistant Director of Finance and Budget Manager

12. **MINUTES OF THE REGULAR CITY COUNCIL MEETING OF JULY 1, 1998**

Recommended Action: **Approve** as submitted

13. **MINUTES OF THE SPECIAL CITY COUNCIL MEETING OF JULY 8, 1998**

Recommended Action: **Approve** as submitted

14. **MINUTES OF THE REGULAR CITY COUNCIL MEETING OF JULY 15, 1998**

Recommended Action: **Approve** as submitted

LEGALLY NOTICED PUBLIC HEARINGS:

15. **WEED ABATEMENT AND ASSESSMENT OF CHARGES**

Recommended Action: Request staff presentation.

The Mayor will open the Public Hearing.

Please limit your remarks to 3 minutes. The Mayor will close the Public Hearing.

Council discussion.

Action - Motion to accept report from the Santa Clara County Fire Marshall's Office on the 1998 Weed Abatement Program.

Action - Motion to adopt resolution confirming the report and providing that costs of the weed abatement program constitute a special assessment against the respective parcels of land.

16. **ZONING AMENDMENT APPLICATION ZA-98-08 AND DEVELOPMENT AGREEMENT APPLICATION DA-98-08: E. DUNNE-DICONZA**

Recommended Action: Request staff presentation.

The Mayor will open the Public Hearing.

Please limit your remarks to 3 minutes. The Mayor will close the Public Hearing.

Council discussion.

Action- Motion to approve Mitigated Negative Declaration

Motion to waive the reading in full of the residential planned development (RPD) Ordinance

Motion to introduce ordinance by title only.

Action- Motion to waive the reading in full of the development agreement (DA) Ordinance

Motion to introduce ordinance by title only.

OTHER BUSINESS:

17. **REPORT FROM THE LAW FIRM OF WHITMORE, JOHNSON & BOLANOS REGARDING THE RESULTS OF THE INVESTIGATION IN TO MATTERS REGARDING STATEMENTS AND ACTIONS BY COUNCIL MEMBER FREEMAN AND OPTIONS FOR COUNCIL ACTION**

Recommended Action: **Receive** report from Richard Whitmore and determine any future action, if any

18. **MT. MADONNA YMCA ANNUAL REPORT**

Recommended Action: **Accept** and **discuss** report presented by YMCA Executive Director

19. **SITE REVIEW APPLICATION SR 96-21: CONDIT-PATEL**

Recommended Action: **Review** and **give** comments, concerns and direction to applicant and staff

20. **APPOINTMENT TO THE CITY'S FINANCE & AUDIT COMMITTEE**

Recommended Action: **Appoint** a Councilmember to serve a six-month term on the Finance & Audit Committee

21. **APPOINTMENTS TO THE SANTA CLARA COUNTY AGRICULTURAL EASEMENT ACQUISITION STUDY COMMITTEE**

Recommended Action: **Appoint** the Mayor as the primary representative and **appoint** a Councilmember to serve as the alternate.

ROLL CALL VOTE:

The Roll Call Vote, Agenda Items #22 through #24 may be acted upon with one motion, a second and the roll call vote. The titles having previously been read, no second reading is required. (Government Code Section 36934)

Action -- **Adopt** Ordinance by roll call vote.

22. **SECOND READING AND ADOPTION OF ORDINANCE NO. 1405 NEW SERIES** -- An Ordinance of the City Council of the City of Morgan Hill amending Section 8.28.040(D)(1) of the Municipal Code regarding construction on Sundays

23. **SECOND READING AND ADOPTION OF ORDINANCE NO. 1406, NEW SERIES** -- An Ordinance of the City Council of the City of Morgan Hill approving Development Agreement, DA98-05: East Edmundson-Guthrie for Application MP-98-01: East Edmundson-Guthrie (APN 817-04-030 and a portion of 817-05-018)

24. **SECOND READING AND ADOPTION OF ORDINANCE NO. 1407, NEW SERIES** -- An Ordinance of the City Council of the City of Morgan Hill amending Chapters 2.32.020(B), 2.36.020(A) & (B), 2.48.010(D), 2.64.010(D), and 2.68.010(B) of the Municipal Code regarding terms of Parks & Recreation, Planning, Personnel, Mobile Home Rent and Library Commissioners

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

This Is an Opportunity for Members of the City Council to Request Items for Future Agendas.

Note: in Accordance with Government Code Section 54954.2(a), There Shall Be No Discussion, Debate And/or Action Taken on Any Request Other than Providing Direction to Staff to Place the Matter of Business on a Future Agenda.

ADJOURNMENT:

FUTURE COUNCIL AGENDA ITEMS:

1. Taxi Cab Ordinance
2. Sign Ordinance Violations
3. Review & Adoption of Goals (9/16/98)
4. Personnel Commission Appointment
5. ADA Park Upgrades - Award Contract
6. Hearing on Reallocation of CDBG Funds for ADA Improvements

OPEN PUBLIC COMMENT PERIOD (3 MINUTES)

Following the opening of Council business, the public may present comments on items **NOT** appearing on the agenda that are within the Council's jurisdiction. Should your comments require Council action, your request will be placed on the next appropriate agenda.

No Council discussion or action may be taken until your item appears on a future agenda. You may contact the City Clerk for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit

your presentation to three (3) minutes.

SPEAKER CARDS

In accordance with Government Code 54953.3 it is not a requirement to fill out a speaker card in order to speak to the Council. However, it is very helpful to the Council if you would fill out the speaker card that is available on the counter in the Council Chambers. Please fill out a card and return it to the City Clerk. As your name is called by the Mayor, please walk to the podium and speak directly into the microphone. Clearly state your name and address and then proceed to comment on the agenda item. Please limit your remarks to 3 minutes.

NOTICE

AMERICANS WITH DISABILITIES ACT (ADA)

The City of Morgan Hill complies with the Americans with Disabilities Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City.

If assistance is needed regarding any item appearing on the City Council agenda, please contact the Office of the City Clerk at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation.

NOTICE

Notice is given, pursuant to Government Code Section 65009, that any challenge of Agenda Items #15 through #16 in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to the Public Hearing on these matters.

NOTICE

The time within which judicial review must be sought of the action by the City Council which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.